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FILED IN THE
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON

JAN 26 2010

JAMES R. LARSEN, CLERK
 DEPUTY
 SPOKANE, WASHINGTON

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 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF WASHINGTON
 10 SPOKANE, WASHINGTON

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 12 In the matter of:

13 SHANE WARD

14 Plaintiff,

15 vs.

16 NUCON SERVICES, INC., a Corporation
 17 doing business in the State of Washington;
 18 F/V ANGIE C, its individual capacity, her
 19 engines, tackle, gear, apparel, furniture, and
 equipment, O.N.; ROBERT
 WARMENHOVEN, President of Nucon
 Services, Inc.; DL WARMENHOVEN,
 Secretary of Nucon Services, Inc.; RICK
 THOMAS, Skipper of F/V Angie C,

20 Defendants.

21 IN ADMIRALTY

22 CASE No. CV-10-024-EFS

23 COMPLAINT FOR PERSONAL INJURIES

24 COMES NOW Plaintiff, Shane Ward, through his attorney James R. Walsh, and
 25 Plaintiff alleges the following Causes of Action against Defendants Nucon Services, Inc., the
 26 Defendants Vessel, F/V Angie C, her engines, tackle, apparel, furniture and equipment, Robert
 27 Warmenoven, DL Warmenoven, Rick Thomas, and any persons claiming an interest therein in
 28 a cause in tort, civil and maritime. Hereinafter, the term "Defendant(s)" is all inclusive of each
 29 and every Defendant listed above.

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I. NEGLIGENCE AND UNSEAWORTHINESS

1. This is a case of Admiralty and maritime jurisdiction as hereinafter more fully appears. This is an Admiralty and maritime claim within the meaning of Rule 9(h). This negligence action arises under Sec. 33 of the Merchant Marine Act of 1920, 46 U.S.C. Sec 688 (Jones Act) as hereinafter more fully appears. Plaintiff waives his right to a trial by jury and elects to try his action on the Admiralty side of the Honorable Court.
2. All events and transactions which give rise to this Cause of Action transpired within the State of Alaska and its territorial waters.
3. Defendants vessel is now or during the pendency of process hereunder will be within the district and jurisdiction of the Court.
4. During all times herein mentioned Defendant Nucon Services, Inc., a Washington corporation, was the owner and/or owner *pro hoc vice* of the F/V Angie C and/or was operating the vessel in a commercial fishing business. Nucon Services, Inc. is the owner of F/V Angie C. During all times herein mentioned Nucon Services, Inc. was doing business in the state of Washington with a corporate office in Kettle Falls. Robert Warmenhoven and DL Warmenhoven were President and Secretary, respectively, of Nucon Services, Inc. Rick Thomas was the skipper of F/V Angie C at the time of the incident alleged.
5. In June of 2007, Plaintiff was engaged as a deckhand by Defendant Nucon Services, Inc., and/or its representatives, officers, agents, crew, servants, or employees, to be employed aboard the F/V Angie C, as an able-bodied deckhand fishing in Alaska.
6. In June of 2007, while Plaintiff was performing his duties aboard said vessel, and as the direct and proximate result of negligence of the Defendants Nucon Services, Inc., and/or its representatives, officers, agents, crew, servants or employees; and/or as the direct and proximate result of the unseaworthiness of the Defendant vessel, Plaintiff was injured as is hereinafter more fully alleged.
7. As a direct and proximate result of said negligence and/or unseaworthiness as herein above alleged, Plaintiff was caused to suffer, *inter alia*, severe and disabling injuries,

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1 and Plaintiff has suffered and may continue to suffer in the future, physical pain with
 2 resultant physical disability and mental suffering.

3 8. Furthermore, as a direct and proximate result of said injuries, Plaintiff has been, and
 4 may in the future be, prevented from completely pursuing his regular occupation, in
 5 addition to the loss of income Plaintiff has already suffered because of said injuries;
 6 and Plaintiff has been prevented from and he may in the future be prevented from
 7 enjoying the pleasure and pursuits of life, and Plaintiff has further occasioned, and
 8 may in the future occasion, reasonable and necessary medical expenses, including, but
 9 not limited to physician fees and medication cost all to Plaintiff's damage in a sum to
 be proven more definitely at trial in this matter.

10 **II. MAINTENANCE, CURE, AND WAGES**

11 1. Plaintiff hereby realleges and incorporates by reference Count I, Paragraphs 1-8.
 12 2. Subsequent to Plaintiff's injury when Plaintiff was unable to be employed aboard the
 13 F/V Angie C due to his injuries as described hereinabove, said vessel continued to
 14 engage in fishing and Plaintiff claims to be entitled to his unpaid crew share, unearned
 15 wages, and lost wages.
 16 3. By reason of the injuries so received in the service of said vessel as are hereinabove
 17 alleged, Plaintiff has incurred injuries with resultant physical disabilities as are
 18 hereinabove alleged; and Plaintiff claims to be entitled to demand, and have of said
 19 Defendants, his maintenance and cure already incurred and which may in the future
 20 be incurred in and about his cure which Defendants have not already provided for
 21 him.

22 WHEREFORE PREMISES CONSIDERED, Plaintiff prays this Court to hear his just
 23 Cause of Action, and that this Court require Defendants to answer his just Cause of Action, and
 24 that he be awarded Judgment against Defendants as follows:

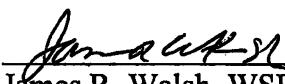
25 1. That Plaintiff be awarded compensatory damages against Defendants jointly and
 26 severally in a sum to be determined at trial in this matter;

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1 2. That Plaintiff be awarded exemplary damages against each Defendant in a sum to be
2 determined at trial in this matter; and
3 3. That Plaintiff be awarded attorney's fees, prejudgment interest, post-judgment
4 interest, costs, and any other relief in law or equity to which Plaintiff is shown to be
5 entitled.

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7 RESPECTFULLY SUBMITTED this 14th day of January, 2010.

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11 James R. Walsh, WSB No: 11997
12 Attorney for the Plaintiff

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